



U.S. Department of Justice

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Press Release

Four People Charged With Illegally Purchasing Firearms for Other Persons

United States Attorney Steven M. Biskupic announced today that on Tuesday, October 28, 2008, a federal grand jury charged four persons in separate indictments with illegally purchasing firearms for other persons from a federally licensed gun dealer. Referred to by law enforcement as "straw purchasing," the crime involves the purchase of a firearm by a non-prohibited person on behalf of a prohibited person. Pursuant to federal law, Title 18, United States Code, Section 922(g), persons prohibited from possessing (and thus purchasing) firearms include convicted felons, fugitives, unlawful users of controlled substances, illegal aliens, and persons convicted of misdemeanor crimes of domestic violence.

To purchase a firearm from a federally licensed dealer, an individual must complete a Firearms Transaction Report, ATF Form 4473. Among other questions, the form asks the person whether they are the actual purchaser of the firearm(s), and whether they are a prohibited person. Pursuant to Title 18, United States Code, Section 922(a)(6), it is against federal law to provide a false or fictitious answer to any question on the form. Persons convicted of lying on the form face up to 10 years imprisonment, a fine up to \$250,000, or both. The conviction will result in the defendant being a felon and thus a prohibited person.

The four people indicted on October 28, 2008, are identified as:

Kellie Bowie, (36) of Milwaukee was charged with six counts of straw purchasing firearms from Badger Outdoors, Inc., 2339 South 43rd Street, Milwaukee, Wisconsin, a federal licensed firearms dealer, between February 2004 and March 2007. The case is assigned to Assistant United States Attorney Gordon Giampietro.

Steven Delker, (34) of Montello, Wisconsin was charged with eight counts of straw purchasing firearms from a federal licensed firearms dealer between January 2007 and December 2007, and one count of possession of five firearms by an unlawful drug user. The case is assigned to Assistant United States Attorney Lisa Wesley.

Kizzie Lesure, (31) of Milwaukee was charged with one count of straw purchasing a firearm from Badger Outdoors, on March 5, 2008. The case is assigned to Assistant United States Attorney Keith Alexander.

Tabitha Lynch, (39) of Milwaukee was charged with one count of straw purchasing a firearm from Badger Outdoors on April 10, 2008, and one count of possession of a firearm by an illegal drug user. The case is assigned to Assistant United States Attorney William Lipscomb.

“The straw purchase of firearms is a major source of guns for criminals,” said Biskupic. “As part of the Justice Department’s Project Safe Neighborhoods, we will continue to prosecute those engaged in this dangerous practice. Keeping guns out of the hands of those who present an imminent threat to our communities is a primary element of the Project Safe Neighborhoods initiative.”

“Illegal firearms trafficking is the direct source of crime guns both in Milwaukee and nationally. We will expend every resource to eliminate this threat,” said Bernard Zapor, Special Agent in Charge of the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

Milwaukee Police Chief Edward Flynn stated "These indictments highlight the hard work by the United States Attorney's Office and the efforts of the Milwaukee Police / ATF Task Force. We are committed to the Milwaukee Police Department working with our partner agencies to reduce violence and to further compliment our daily suppression efforts."

It should be noted that the U.S. Attorney’s Office has been aggressive in prosecuting this type of crime for the last several years. The following are examples of previous straw purchase prosecutions brought recently by the United States Attorney’s Office in Milwaukee:

1.) Leslie Aguirre, (28) of Milwaukee was indicted on November 27, 2007, with one count of straw purchasing a firearm. Aguirre pled guilty on February 25, 2008, and was sentenced on May 16, 2008. According to the plea agreement, on September 11, 2007, Leslie Aguirre purchased a Taurus, model PT22, .22 caliber pistol, and a Cobra, model CA380, .380 caliber pistol, from Badger Outdoors. According to the Firearms Transaction Report, ATF Form 4473, dated September 11, 2007, Aguirre stated that she was the actual buyer of the firearm. On September 14, 2007, Aguirre reported to the Milwaukee Police Department that the guns were stolen. After questioning, Aguirre stated that she had been approached by a male to buy two guns. The male told Aguirre he would give her \$60 to buy the guns for him. He and another male drove Aguirre to Badger Guns on September 11th, gave Aguirre \$465, and told her to buy a .22 and .380. Aguirre went into the store alone and purchased the guns using the money she was given. Aguirre admitted that she lied on the forms when she stated that she was buying the guns for herself.

2.) Joseph Cummings, (28) of Milwaukee was indicted on February 26, 2007, with one count of straw purchasing a firearm. Cummings pled guilty on May 1, 2007, and was sentenced on August 3, 2007. According to the plea agreement, during a review of offenses involving firearms, an ATF Task Force Detective noted that Joseph Cummings reported a theft of guns on December 4, 2006, and a burglary of guns on December 9, 2006. A subsequent review of handgun sales records revealed that Cummings purchased two handguns on August 22, 2005, and two handguns on August 10, 2006. On December 10, 2006, the Detective interviewed Cummings, who admitted that he purchased eight firearms over the past several years. At first, Cummings stated that he never

purchased firearms for anyone else, but then admitted that he purchased two firearms for a friend in August of 2005. Specifically, Cummings admitted that in August 2005, he purchased a Hi-Point 9mm pistol and a "Mini-max" .45 caliber pistol from Badger Outdoors. Cummings explained that he and the friend went into Badger together. The friend picked out two firearms and gave Cummings the money to purchase them on his behalf. Cummings purchased these firearms because the friend had a previous domestic violence conviction. Cummings further admitted that he remembered answering "yes" to the question, "Are you the actual buyer of these guns?", when the truthful answer was no.

3.) Elena Scott, (36) of Milwaukee was indicted on January 3, 2007, with straw purchasing a firearm, maintaining a drug trafficking place, and selling a firearm to a convicted felon. Scott pled guilty to straw purchasing a firearm and was sentenced on August 10, 2007. According to the plea agreement, on February 16, 2006, Milwaukee Police arrested an individual who was in possession of a .45 caliber Ruger pistol. He told police that the .45 Ruger pistol was purchased by Elena Scott. He stated Scott bought the gun for him because he was a convicted felon. He stated Scott purchased the gun at Badger Guns at the same time she purchased a .22 pistol for herself. He recalled making a payment of \$457 for the purchase of the two guns.

An indictment is merely the formal method of charging an individual and does not constitute inference of his or her guilt. An individual is presumed innocent until such time, if ever, that the government establishes his or her guilt beyond a reasonable doubt.

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